

Minutes of a Joint Meeting of the  
Arizona State Parks Board and  
Arizona Game and Fish Commission  
Friday, March 8, 2002 – 9 a.m.  
Wildlife Building – State Fairgrounds  
McDowell Road & 17<sup>th</sup> Avenue  
Phoenix, AZ

PRESENT:

(Game & Fish Commission)

Chairman Michael M. Golightly  
Commissioner Joe Carter  
Commissioner Sue Chilton  
Commissioner W. Hays Gilstrap  
Commissioner Joe Melton

(Game & Fish Director's Staff)

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Asst. A.G. Jay Adkins  
Asst. A.G. Jim Odenkirk

(State Parks Board)

Suzanne Pfister, Chair  
Joseph Holmwood, Member  
Elizabeth Stewart, Member

(Parks Staff)

Kenneth E. Travous, Executive Director  
Renée Bahl, Assistant Director

Commission Chairman Golightly called the meeting to order at 9:10 a.m. Members of the Game and Fish Commission (Commission) introduced themselves; Golightly introduced members of Director's staff. The meeting proceeded with discussion items even though the Parks Board (Board) did not consist of a quorum in order for them to take action on any items on the agenda. Missing Board members were John Hays, Walter Armer, Jr. and State Land Commissioner Michael Anable.

Board Chair Pfister acknowledged the presence of Nancy Stump from the Governor's Office and former legislator Becky Jordan.

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6. Discussion of Future Funding Opportunities

**Presenter:** Jay Ziemann, Legislative Liaison, State Parks Department

Mr. Ziemann gave a status report on the '02 budget discussions that have been occurring at the State Legislature.

Currently from the State Parks budget, \$1 million has been taken from the State Lake Improvement Fund (SLIF); the current proposal is to take \$6 million from SLIF. The House had proposed using \$5 million from the General Fund and then using \$5 million in SLIF to operate State parks. This would make the cut more permanent and would make it far more difficult to get a \$5 million supplemental appropriation in the future to replace the funds. The Senate has a straight \$6 million sweep of SLIF.

At this time there is no money coming out of the Heritage Fund for '02 on either the Game and Fish or the Parks side. There is a worse problem with the '03 budget.

Mr. Ziemann noted that it has been difficult to get support for the Heritage Fund from local communities that have received Heritage funds through the years. Local governments are having their budgets cut as well; therefore, their lobbying for the Heritage Fund has not been strong. More reliance has been placed on the conservation community to let their legislators know of the importance of Heritage programs.

Board Chair Pfister stated the Board thought it would be helpful for their agency to contact mayors and councils in communities where there were State parks to ask them to give them examples of the economic impacts that would occur if their parks were closed. She suggested that maybe Game and Fish might want to gather information from organizations to which Heritage funding is provided for regarding what would happen to them if Heritage funds were cut.

Commissioner Carter stated that, in addition to looking for what we hope would be a more permanent, stable funding source, we should be mindful of putting in all the safeguards possible to insure these debates do not occur in the Legislature regarding budget issues. No matter what the dedicated fund, there is the temptation to take it away. Both agencies, with all of its partners, should try to insure all safeguards are in place.

Commissioner Gilstrap noted that currently Game and Fish receives \$8 million annually and the amount is decreasing each year. Due to inflation, the value is about one-half of what it was ten years ago when the Fund was at \$10 million. It was critical to get the amount back up to the original \$10 million since the expenditures the Heritage Fund are used for are increasing, both those that relate to the law, e.g., Endangered Species Act, gathering science, conserving wildlife habitat or wildlife itself. The Parks Board, Game and Fish Commission, their two departments, and the public at large should work together in pursuing new or additional revenues.

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## 7. Preserve the Lottery Campaign Committee

**Presenter:** Ira M. Rubins, Chairman, Preserve the Lottery Campaign Committee

Mr. Rubins is also the Executive Director for the Arizona Parks and Recreation Association (APRA). Another member on the Preserve the Lottery Campaign Committee is Commissioner Gilstrap.

HR 2012 (the referendum Representative Carolyn Allen proposed) is in the Legislature and has passed the Judiciary Committee; the next step would be to go to the Committee of the Whole in the House. The Preserve the Lottery Campaign Committee officially filed the appropriate paperwork to have a voter initiative on the agenda. Hopefully this will not be necessary if the referendum goes through the Legislature and the Legislature puts it on the ballot. Mr. Rubins noted the Lottery ends in 2003 if nothing happens. The

legislative compromise was to require another vote approval of the lottery for it to continue past 2003.

The Committee has held meetings with its stakeholders (recipients and vendors). The fundraising issue has begun. Should a voter initiative have to be pursued, the 100,000+ signatures must be obtained by July and the funds to do so are daunting. It was important to preserve the revenue source for the foreseeable future; it was reasonable to look for other funding sources should the lottery end.

Mr. Rubins noted the Committee was working with key lobbyists from The Nature Conservancy and the Heritage Alliance. The general feeling in the Legislature is that a majority of Democrats are very much in favor; some Republicans may need to be informed about the issue. Other options have been discussed. If the Legislature does not pass the referendum, the Committee should consider the same language proposed by Representative Allen. The Committee has not discussed in depth what to do past the lottery; working with this group might create a cooperative long-range arrangement.

Mr. Rubins stated Powerball monies, being a multi-state revenue source, go directly to the General Fund. The lottery monies are specifically cut up by games. Designation of funding is based on what game became associated with a particular stakeholder at the time of game initiation. The funding divisions would need to have action by the Legislature. Mr. Rubins stated the Attorney General's Office had recommended an amendment to the referendum, which seemed innocuous in that it referred to the Legislature in 2012, having through its regular process, an opportunity to continue or eliminate the Lottery Commission. The Attorney General's Office added language that specified the part of the procedures that dictated it would be by a majority vote. By omission it seems to indicate any other changes the Legislature might want to make in the structure of the division of funds would have to be by a larger (super) majority. The Commission would want to put as many safeguards as possible around the Heritage Fund.

Commissioner Carter recommended looking at permanent, long-term funding sources beyond 2012-something not subject to an annual process. Concurrent with that should be an ongoing educational program regarding how these monies are used and how they benefit communities that have massive tracts of public land and are impacted by federal agencies, i.e., ESA. These dollars are not just lottery dollars; they are used for matching purposes for a lot of other levels, both nationally and locally. There is a benefit in dealing with interpretation of federal policies in many cases if the resources are available to do the things we are responsible to do.

Commission Chairman Golightly asked Mr. Rubins if he had identified organizations or groups that would be able to help in the lobbying effort. Mr. Rubins stated they had begun to do that and a roster was received of the various affected agencies who either receive Heritage funds or lottery dollars and those who have business connections with the lottery. Stakeholders are always encouraged to attend and participate in the meetings.

Board Member Stewart asked if in the event the House Resolution does not pass, was there a chance the new initiative would handle some of the problems so as to not always be in this same situation with Heritage funds and to clearly designate monies. Mr. Rubins answered yes. If there was to be a voter initiative, it was important to have

agreement between all the stakeholders and shareholders and to be creative enough to account for future changes in the structure of the lottery.

Commissioner Gilstrap noted the coordination between the Parks Board and the Game and Fish Commission was important, but even more so were the constituents they represent. Collectively, he thought, everyone was supportive of what the lottery causes to happen, but there were those who were not pleased with that form of "taxation". A number of constituents would probably rally for them. Mr. Rubins stated it was important to get the votes through the use of constituents.

Commission Chairman Golightly told Mr. Rubins to keep the Commission and Board informed. He then recognized former Commissioner Beth Woodin in the audience.

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#### 8. Briefing regarding Mercury Assessment in Arizona Waters – Alamo Lake

**Presenter:** Larry Riley, Fisheries Branch Chief, Game and Fish Department

In cooperation with the U.S. Environmental Protection Agency (EPA), the Arizona Department of Environmental Quality (DEQ), and the Arizona Department of Health Services (DHS), the Game and Fish Department has been collecting fish from a wide range of waters in Arizona for mercury analysis. Mercury is a naturally occurring element found in trace amounts in the air, on and beneath the earth's surface. Concern arises when concentrations of mercury in fish rise above the reference levels. The U.S. Department of Food and Drug (USDA) historically set those reference levels that would trigger a requirement to label commercial food products for consumption. The USDA action level for methyl mercury (the organic mercury carrying compound) is 1.0 part per million (ppm). Recently, EPA, DEQ and DHS have begun implementing new procedures to set reference levels for wild caught fish and wildlife. EPA is advocating a lower screening level near 0.3 ppm and has adopted a reference dose of 0.0001 mg/Kg/day based on the risk of developmental abnormalities in children and fetuses. The reference dose will be used in the calculation of consumption standards where risk to this population has the probability of occurring and will significantly lower consumption limits in these areas.

Inorganic mercury exists in the air, soil and rocks. It can enter lakes and streams through deposition with rain, run off from the surface and through weathering of rocks. Deposition of elemental mercury can be enhanced by some human-caused factors. Concentrations of mercury can be increased due to industrial discharges to the air, poor watershed conditions, historic mining activity and probably other reasons. Inorganic mercury generally does not exist in levels that might cause concern in the air or in the water, but aquatic systems can be very efficient at methylating mercury and making it biologically available. Under very low oxygen conditions in the bottoms of lakes and some streams, sulfur reducing bacteria absorb very low concentrations of mercury and convert it to methyl mercury. This is a natural process. Invertebrate animals living in these aquatic sediments consume bacteria. The invertebrates are in turn consumed by insects and small fish, etc. The food chain creates a situation where relatively long-lived predators at the top, e.g., largemouth bass, may bioaccumulate methyl mercury. Methyl

mercury is stored in the muscles of animals and is not readily excreted. If stored methyl mercury reaches high enough concentrations through these natural processes, it may trigger a concern for human consumption-hence the USDA action level.

The EPA awarded a grant to DEQ to study methyl mercury levels in fish tissue in Arizona. The Game and Fish Department, in cooperation with DEQ, has collected a series of fish samples from a number of lakes, including Alamo Lake. Those samples included largemouth bass, crappie and channel catfish. The samples were turned over to DEQ where they were processed and submitted to the DHS laboratory for methyl mercury analysis. Preliminary results from the analysis of fish tissues indicate fish from Alamo Lake average below the FDA's action level of 1.0 ppm methyl mercury for commercially sold fish. DEQ will analyze the methyl mercury values using a human health risk analysis to compare these samples against a more stringent screening or reference value and confer with DHS to determine if any action is warranted.

The possible outcomes of this study are that if the human health risk assessment concludes levels are not of concern, then there would be no action and baseline monitoring would continue. If the assessment determines methyl mercury levels are of concern, DEQ and DHS would identify what kind of public advisory would be warranted and, in partnership with the Game and Fish Department and Arizona State Parks, would post and publish the advisory and strive to inform the public. Advisories are not uncommon in the United States and generally target the segment of the population who might be at risk. Limits are often expressed in terms of numbers of fish meals per month or quarter. No determinations or recommendations have been made to date, but analysis continues.

Mr. Riley showed posters of states that have statewide advisories on eating fish.

Mr. Riley stated the Department identified lakes that, either from historic information or from speculation, would comprise a good first tier. A good number of lakes would be done in partnership with DEQ throughout the years.

Commissioner Carter asked if the Department would be identifying sources of contamination. Mr. Riley stated yes since inorganic mercury exists throughout Arizona. When a problem is detected, examination occurs to determine if the contamination is potentially human-caused. Point sources have been identified at Pena Blanca Lake but not at Arivaca Lake.

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Meeting recessed at 10:12 a.m.

Meeting reconvened at 10:30 a.m.

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1. Heritage Fund

2. Off-Highway Vehicle (OHV) Public Outreach Campaign

**Presenters:** Renée Bahl, Assistant Director, Arizona State Parks

Mike Senn, Assistant Director, Field Operations, Game and Fish Dept.

Ms. Bahl distributed handouts on partnerships to Board and Commission members. Information consisted of the Heritage Fund (history and programs) and Heritage Grants (programs, projects and awards).

The Parks Department launched its OHV public outreach campaign last June. A video of three commercial spots was shown. Poster versions of billboards were described.

Mr. Senn gave a Powerpoint presentation on Game and Fish's OHV history, OHV law enforcement facts, outreach successes, and identified opportunities and issues.

Commissioner Carter stated BLM conducted a series of public hearings throughout the West two years ago in an effort to identify public attitudes and trends regarding these programs and to get something moving. He asked if an interagency task force has been developed to focus on common policies. Mr. Senn stated he was not aware of any task force at this time. Commissioner Carter thought that Director Shroufe and Executive Director Travous may want to take the lead to advocate such a coordinating committee and to invite the State Land Department, BLM and the Forest Service to participate. Commissioner Gilstrap stated State Land Commissioner Anable was co-chair of Southwest Strategies. In that capacity, he has the opportunity to coordinate, not only the identified agencies, but also the military establishments that are landowners in Arizona. He thought there could be coordination through Southwest Strategies as well.

Commission Chairman Golightly noted there were few OHVs officially registered to be street legal. He asked about the kind of resistance the Department would be getting from the judicial system if the Department started enforcing the statute. Mr. Senn stated the reason why the Department was not enforcing the statute was that enabling legislation restricted the Department to enforcing statutes to protect natural resources and wildlife habitat. The Department does not receive funding for registration enforcement; it would basically be a diversion to enforce those sections of Title 28 that don't strictly relate to protection of natural resources. There may not be any resistance from the judicial system, however, because the Forest Service requires OHVs to be licensed if they are used on maintained Forest Service roads. More resistance would probably come from the public.

Commissioner Melton stated there was a problem in southwestern Arizona because roads, trails and dry washes are legally accessible. Because of State Land Department rules, a person cannot drive on washes on State Trust land. If a wash goes through a State Trust land section, a person is technically in violation of the law. The other problem was that the Kofa National Wildlife Refuge allows licensed vehicles only; an ATV has to be street legal and could be driven only on a road. There were problems throughout the state regarding where a person can and cannot operate a legally owned vehicle. Every involved agency should be in agreement about enforcement of the same laws.

Commission Chairman Golightly noted improper use of State Trust lands. He asked if there was anything that could be done to assist Land Commissioner Anable in restricting illegal use. He also asked who owned Title 28. Mr. Senn stated Title 28 contained all of the motor vehicle statutes, which would primarily be the Department of Public Safety. Ms. Bahl stated the State Land Department and the State Parks Department have an agreement. Funding is provided by State Parks for three years to create an OHV program.

An OHV program has been done by the State Land Department. Currently, State Land is creating trails statewide and informing the public.

Commissioner Gilstrap asked about the education program. He asked if there was a monitoring program to measure the effects of education on reducing bad use. He also asked about coordination of vehicle organization user groups in the same program. Ms. Bahl stated the campaign's effectiveness and awareness were being measured. Public surveys will continue; currently there was baseline data. State Parks has been working with organized OHV groups on the outreach campaign. They have been instrumental in informing the public and have made the State Land Department more interested and willing to do things on their own land. State Parks has an Off-Highway Vehicle Advisory Group, which is appointed by the Parks Board, has some membership from these organizations.

State Parks Executive Director Travous pointed out that for every dollar State Parks has for education, the motor vehicle industry has millions of dollars. The motor vehicle industry promotes irresponsible off-road vehicle use in its advertisements and television commercials, which counteracts the message State Parks is trying to get out on proper OHV use.

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### 3. Congressional Activity

**Presenter:** State Parks Executive Director Ken Travous

Both he and Director Shroufe have been working on federal legislation (e.g., Land and Water Conservation Fund (LWCF) and Conservation and Reinvestment Act). A handout was provided describing the administration's latest proposal for FY 2003. The state's side was going up and the federal side (land acquisition) was going down. There were new categories, e.g., the cooperative conservation initiative, that are non-traditional uses of the LWCF. Both he and Director Shroufe received a letter that was sent to the governor about this subject and input was requested from the states. Subsequent to that, a letter was received from the National Park Service stating nothing was definitely known about the program yet. He and Director Shroufe will be finding out what the program was about.

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### 4. Growing Smarter Grant Program

**Presenter:** Renée Bahl, Assistant Director, Arizona State Parks

Handouts were provided regarding two different programs (State Trust Land Acquisition Grant Program and the Open Space Reserve Grant Program).

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### 5 & 9. Call to the Public

Margaret Bohannon, President of the Arizona Heritage Alliance (AHA), spoke regarding the lottery and its continuation. The AHA felt there was a need to actively support a referendum. It would be difficult to raise money and to get 100,000 signatures by July.

She recommended a joint resolution to this effect that could be circulated to all legislators. The AHA was committed to finding other sources of income for the Heritage Fund. The AHA was moving forward on this issue.

Beth Woodin, representing self, stated it was important to continue the Heritage Fund. It has affected every school child in Arizona in one way or another. There was a lot that could be done with the Commission and the Board working together at the Legislature. She is a member of the AHA and other organizations and all benefit from Heritage funding. There was no excuse for the Legislature to take this money. There was one Heritage project that was of special interest to her, i.e., the Species of Special Concern list. She asked to have an update at a future Commission meeting.

Darla Solomon, representing Outdoors Arizona, was the co-host of a radio program (Outdoors Arizona). It was important to market to their contingency. There were over 800,000 licensed outdoor enthusiasts in Arizona. If this contingency was made aware that the Heritage Fund is in great danger, they will react. Guests are invited to speak on her radio program, but there were not enough avenues to get to this contingency. It was important to rally this group and get their support.

Sandy Bahr, Conservation Director of the Sierra Club, stated it was critical to do everything to get this referendum on the lottery passed. The two agencies must remain vigilant at the Legislature.

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**Motion:** Carter moved and Melton seconded THAT THE COMMISSION REAFFIRM ITS HERITAGE FUND CONCERNS AS OUTLINED IN THE LETTER DATED NOVEMBER 14, 2001, AND RESPECTFULLY REQUEST THAT THE USE OF HERITAGE FUNDS BE REMOVED FROM CONSIDERATION OF EFFORTS TO BALANCE THE 2002 AND 2003 STATE BUDGETS.

Commissioner Carter explained the Heritage Fund provides seed money for many programs that are administered by the Department and, in fact, it allows us to access federal dollars that may be otherwise much more difficult to obtain. It allows us to be proactive on the front end with respect to a lot of threatened and endangered species; it allows us opportunities to focus conservation measures and other efforts to enhance wildlife recreational opportunities, whether they are for the harvest or non-consumptive users. It also directly affects people's lives in terms of jobs within the agency and their families. For those reasons, he urged the Commission to reaffirm its position taken last November and convey that with respect to Governor Hull, the Senate President and Speaker of the House.

**Vote:** Carter, Gilstrap and Melton – Aye  
Chilton - Abstained

Commission Chairman Golightly did not call for a Nay vote; Commissioner Chilton abstained from voting. Motion carried.

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**Motion:** Carter moved THAT THE COMMISSION, THROUGH ITS CHAIRMAN, AND HOPEFULLY, IF NOT NOW, THEN AT SOME FUTURE MEETING, ON BEHALF OF THE COMMISSION, CONVEY TO THE STEERING COMMITTEE THAT IS REPRESENTING THE HERITAGE ALLIANCE, THE GAME AND FISH COMMISSION, AND THE PARKS BOARD IN THEIR EFFORTS TO IDENTIFY AND WORK TOWARDS A STABLE FUNDING SOURCE THAT WOULD INSURE THE CONTINUED AVAILABILITY OF THE HERITAGE FUNDING SOURCES, WHATEVER THAT MIGHT BE, AS WELL AS THE PROGRAMS THAT EXIST TODAY BECAUSE OF THAT EFFORT.

Commissioner Gilstrap seconded with one potential change with the effect that State Parks, the Arizona Heritage Alliance, and Game and Fish were identified, but THAT THE MOTION SHOULD ALSO INCLUDE ALL OTHER CONSTITUENCY GROUPS THAT WOULD BE APPROPRIATE TO SERVE ON THE STEERING COMMITTEE. Commissioner Carter agreed to the amended motion.

**Vote on Amended Motion:** Unanimous

Board Chair Pfister noted the next State Parks Board meeting was planned for March 21, 2002. If timing required quicker action for resolution, Parks Board members could get information distributed quickly to its constituency through email networks, telephone calls and letters to the editor.

**Motion:** Carter moved and Chilton seconded THAT THE MEETING ADJOURN.

**Vote:** Unanimous

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Meeting adjourned 11:30 a.m.